

RESOLUTION NO. 2005-424

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE CITY'S COMPREHENSIVE GENERAL PLAN UPDATE, WITH THE EXCEPTION OF THE LAND USE MAP AND LAND USE AND TRANSPORTATION ELEMENT PROVISIONS FOR THE DOWNTOWN THIRD AVENUE DISTRICT (SECTION 9.5.1), THE H STREET CORRIDOR DISTRICT AND ITS FOCUS AREAS (SECTIONS 9.5.2, 9.5.3, AND 9.5.4), A PORTION OF THE MAIN STREET DISTRICT AND RELATED LAND USE AND TRANSPORTATION ELEMENT POLICIES LUT 45.1, 45.2 AND 45.3 AND THE LAND USE MAP DESIGNATIONS FOR VILLAGES 8, 9, AND 10 OF THE OTAY RANCH AND ASSOCIATED POLICIES; REPEALING THE MONTGOMERY SPECIFIC PLAN, AND AMENDING THE CITY'S MULTIPLE SPECIES CONSERVATION PROGRAM SUBAREA PLAN

WHEREAS, the City of Chula Vista's current General Plan was last comprehensively updated in July 1989, with a partial update conducted in conjunction with adoption of the Otay Ranch project in 1993; and

WHEREAS, pursuant to State law, the City has undertaken a periodic, comprehensive review to update its General Plan looking out to the year 2030; and

WHEREAS, the current Housing Element of the General Plan is subject to 5-year periodic updates under separate provisions of State law, and is therefore not affected by this comprehensive General Plan Update, and will remain in its current form until its next update under applicable State law; and

WHEREAS, the comprehensive General Plan Update (GPU) project was initiated with a public Town Hall Meeting in April 2002; and

WHEREAS, the City and its consultants worked over the next three years in the conduct of an extensive, four-phased public outreach and input process to gather information needed to prepare the GPU, and to share with and receive feedback from the public on various interim work products, and the proposed draft GPU; and

WHEREAS, that public outreach and input process involved five other Town Hall meetings, and four ad-hoc committees with over 50 citizen members holding over 70 meetings, that included a Steering Committee, Economic Development Subcommittee, Public Facilities & Services Subcommittee, and Environment, Open Space & Sustainable Development Subcommittee; and

WHEREAS, as part of this three-year process, staff and the consultants also met with the Planning Commission and/or City Council on 19 occasions to provide updates and present interim work products, and to receive preliminary input and direction regarding policy issues and the land use and transportation scenarios to be evaluated; and

WHEREAS, the areas of land which are the subject of this Resolution contain all lands within the boundaries of the City's General Plan Area as diagrammatically depicted on the General Plan Land Use Diagram presented as Figure 5-12 of the proposed Land Use and Transportation Element, except the Downtown Third Ave. District and the H Street Corridor District as shown on Figures 5-27 and 5-28 respectively, of the proposed Land Use and Transportation Element; and

WHEREAS, within that overall General Plan Area, the substantive amendments to land use and transportation are associated with particular focus areas within the Northwest, Southwest and East Planning Areas as presented in the proposed General Plan document, and include both amendments proposed by the City, as well as those proposed in the East Planning Area through private General Plan Amendment (GPA) applications filed with the Planning and Building Department of the City of Chula Vista by the Otay Ranch Company (01-01 and 03-01), Otay Land Company (03-04), and Flat Rock Land Company (03-08); and

WHEREAS, in conjunction with adoption of the City's MSCP Subarea Plan on May 13, 2003, it was noted that a mapping correction was needed to change approximately 45 acres of active recreation land uses within the Otay River Valley to Preserve designation; and

WHEREAS, the City adopted the Montgomery Specific Plan in 1988 pursuant to Resolutions No. 13413 and 13780, which was a policy plan and did not contain any separate ordained zoning regulations for the area; and,

WHEREAS, the proposed GPU Land Use and Transportation Element now contains a Southwest Area Plan that incorporates the remaining, relevant policy provisions from the Montgomery Specific Plan, and calls for the preparation of several more localized Specific Plans within the Area; and

WHEREAS, in December 2004, the City originally released the proposed GPU for public review; and

WHEREAS, the City has referred the proposed GPU to all necessary entities required by the State Planning and Zoning Law, Government Code section 65000 et seq.; and

WHEREAS, pursuant to California Government Code section 65302.5, the City transmitted the Draft GPU and supporting technical documents to the Office of the State Geologist in the Department of Conservation, State Geological Survey (the current name of the Division of Mines and Geology)(Division) on January 18, 2005, for review and comment. The submittal also included an explanation of how various parts of the Draft GPU addressed safety element and related requirements. The Division provided informal verbal comments to staff by phone on January 25, 2005, that characterized the GPU as having excellent policies and as one of the better documents reviewed. No written comments were received; and

WHEREAS, pursuant to the requirements of California Public Utilities Code Sections 21670 – 21679.5, the City submitted the GPU to the San Diego County Regional Airport Authority (Authority) for a determination of consistency with the Brown Field Airport Land Use Compatibility Plan (ALUCP). As documented in a May 5, 2005, letter from the Authority to the City, the Authority determined that the proposed GPU is consistent with the current ALUCP; and

WHEREAS, as a result of the substantial public comments received during the review of the GPU, the City determined in March 2005, that it would pause the GPU process to consider the comments and entertain revisions to the Plan in response; and

WHEREAS, in September 2005, the City released a revised set of GPU documents and a re-circulated Draft EIR for a second public review; and

WHEREAS, pursuant to California Government Code section 65090, the Planning Commission held a duly noticed public hearing on the GPU on December 8, 2005, and recommended that the City Council adopt the Resolutions approving the GPU and its related actions; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on this project held on December 8, 2005, and the minutes and resolution resulting there from, are hereby incorporated into the record of these proceedings; and

WHEREAS, the City Clerk set the time and place for the hearing on the GPU and notices of said hearings, together with its purposes given by its publication in a newspaper of general circulation in the City, at least ten days prior to the hearing pursuant to California Government Code section 65090, and the City Council held a duly noticed public hearing on December 13, 2005, on the subject GPU; and

WHEREAS, the City Council of the City of Chula Vista reviewed, analyzed, considered, approved and certified a Final EIR, made certain Findings of Fact, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the GPU, pursuant to CEQA, by Resolution No. 2005-423; and

WHEREAS, subsequent to the September 2005 release of the revised General Plan Update, owners of real property within the Otay Ranch portion of the East Planning Area have proposed changes to the Preferred Plan which are substantial in nature and could facilitate the acquisition of land for future University uses in Eastern Chula Vista; and

WHEREAS, in order to provide sufficient time to explore the feasibility of the proposed land use changes with regard to sound planning principles and to evaluate the proposal's consistency with the goals and objectives of the General Plan Update, it is necessary to defer consideration of land use designations and certain policies and objectives pertaining to Villages 8, 9 and 10 of the Otay Ranch.

NOW, THEREFORE BE IT RESOLVED that the City Council hereby finds, determines and resolves as follows:

I. PLANNING COMMISSION RECORD

The proceedings and all evidence introduced before the Planning Commission at their public hearing held on December 8, 2005, and the minutes and resolutions resulting there from are hereby incorporated into the record of this proceeding.

II. GENERAL PLAN INTERNAL CONSISTENCY

The City Council hereby finds that the General Plan, as amended, is internally consistent and shall remain internally consistent following the adoption of amendments by this Resolution.

III. COMPLIANCE WITH STATE PLANNING AND ZONING LAW

The City Council hereby finds that the General Plan Update, as approved in this Resolution, complies with all applicable requirements of the State Planning and Zoning Law. In particular, the GPU's proposed Element structure includes the content requirements for all seven mandatory elements pursuant to Government Code section 65302 as shown below:

<u>Mandated Element</u>	<u>Chula Vista GPU Element</u>
Land Use	Land Use & Transportation
Circulation	Land Use & Transportation
Housing	Housing
Conservation	Environmental
Open Space	Environmental
Noise	Environmental
Safety	Environmental

IV. APPROVAL OF GENERAL PLAN UPDATE AND CHULA VISTA MSCP SUBAREA PLAN AMENDMENT

The City Council hereby approves and adopts the General Plan Update and the amendment to the Chula Vista MSCP Subarea Plan, which consists of the following documents included in the record of proceedings, and on file in the City Clerk's Office:

1. The September 2005 re-released Draft General Plan and General Plan Diagram (referenced as Document 1 of 2), excepting the following:
 - (a) those portions of the Plan and Diagram pertaining to the Downtown Third Avenue District (GPU Section 9.5.1);
 - (b) the H Street Corridor District and its Focus Areas (GPU Sections 9.5.2, 9.5.3 and 9.5.4);

- (c) portions of the Main Street District bounded by Main Street on the north, Beyer Blvd. on the east, the City limits on the south and Broadway on the west, and related land use and transportation element policies LUT 45.1, 45.2 and 45.3; and
 - (d) all provisions of the General Plan Update that relate specifically to Villages 8, 9, and 10/University area within Otay Ranch are deferred for consideration for a period of no more than 120 days from the effective date of this resolution. The provisions of the General Plan Update related to Villages 8, 9, and 10/University hereby deferred for consideration include the following:
 - (1) those portions of Land Use Diagram (Figure 5-12) covering Villages 8, 9, and 10/University, except for the circulation system roadways;
 - (2) Table 5-4 as it applies only to the Regional Technology Park and Town Centers;
 - (3) Figure 5-9 as it applies to Activity Centers 11 and 15;
 - (4) Tables 5-6 and 5-7 as they apply to Town Centers and the Regional Technology Park;
 - (5) LUT Policy 5.4 and 17.3 as they apply to Town Centers;
 - (6) Section 10.4.6, last paragraph under "Vision for Subarea";
 - (7) Objective 72 and Policies LUT 72.1 through 72.4 as they apply to Town Centers;
 - (8) Section 10.5.2, last sentence, "Vision for District";
 - (9) Objective 81 as it applies to Village 8;
 - (10) Policies 81.5, 81.6 and 81.9 as they apply to Town Centers and the Regional Technology Park;
 - (11) LUT section 10.5.4, Objectives 84 through 86 and their related policies, and Figures 5-45 and 5-46, except for those provisions, objectives and policies on pages LUT-258 through LUT 264 that apply to the Eastern Urban Center and the Freeway Commercial area;
 - (12) LUT sections 10.5.5, 10.5.6, and 10.5.7 in their entirety;
2. The September 2005 Draft General Plan Proposed Edits (referenced as Document 2 of 2), excepting any edits pertaining to the Downtown Third Avenue District (GPU Section 9.5.1), the H Street Corridor District and its Focus Areas (GPU Sections 9.5.2, 9.5.3 and 9.5.4), and the provisions regarding Villages 8, 9, and 10/University as identified in section V.1.d of this resolution above.
3. The further edits regarding Transit Focus Areas as presented in Attachment 1 to the December 13, 2005, staff report, excepting any edits pertaining specifically to the TFA at H Street / Third Avenue.

4. Staff's supported land use alternatives, and related General Plan Update text and map erratas for the Freeway Commercial and Gun Club areas, as presented in Attachments 3A & 3B to the December 13, 2005, staff report.
5. The miscellaneous, additional GPU corrections as presented in Attachment 5 to the December 13, 2005, staff report.
6. The proposed land use alternatives and text revisions for the South Broadway and South Third Avenue areas as presented in Attachment 7A and 7B to the December 13, 2005, staff report.
7. The MSCP Subarea Plan mapping amendment as presented in Attachment 11 to the December 13, 2005, staff report.

V. OTAY RANCH COMPANY GENERAL PLAN AMENDMENT APPLICATIONS (GPA-01-01 and GPA 03-10)

A. The approved GPU land use and circulation provisions resulting from the City's consideration of General Plan Amendment applications GPA-01-01 and GPA 03-10, reflect a variation from the Applicant's proposals as originally submitted within the Otay Ranch Village 2, 2 West and Village 3 and the Freeway Commercial portion of Planning Area 12 areas generally as follows, and as more specifically represented by the applicable provisions of the approved GPU documents listed in Section V above:

1. For Village Two and Village Two West, the industrial land use in the Otay Landfill buffer is maintained to provide a separation between the village residential uses and the Otay Landfill.
2. For Village Two and Village Three along Wolf Canyon, the open space boundary is maintained for consistency with the MSCP and Otay Ranch RMP Preserve.
3. For the Freeway Commercial portion of Planning Area 12, the GPU maintains the Retail Commercial designation, and denies that portion of the Applicant's request because:
 - a. The demand for retail property will remain very strong and the change to mixed use residential will reduce the inventory of available land needed retail commercial uses.
 - b. The property is situated in an area already planned to provide retail commercial services.

c. Its location surrounded by arterial roadways makes the property highly conducive to retail development while reducing its viability as a livable residential community.

d. Residential development of this site would be isolated from many necessary residential services and amenities and other residential communities and substantial residential capacity is already provided in other, better suited areas of Otay Ranch.

VI. REPEALING OF THE MONTGOMERY SPECIFIC PLAN


The Montgomery Specific Plan is hereby repealed upon the effective date of the General Plan Update.

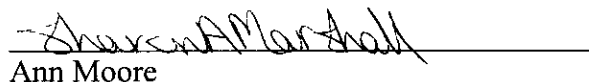
BE IT FURTHER RESOLVED that staff is directed to prepare a GPU Implementation Program consistent with Chapter 11 of the updated General Plan and return to Council within 120 days of the effective date of this Resolution.

BE IT FURTHER RESOLVED that the existing General Plan, with the exception of the Housing Element and the land use designations and applicable policies and provisions specifically related to Villages 8, 9, and 10, are hereby superceded and repealed upon the effective date of the General Plan Update.

Presented by

Approved as to form by


James D. Sandoval
Planning and Building Director

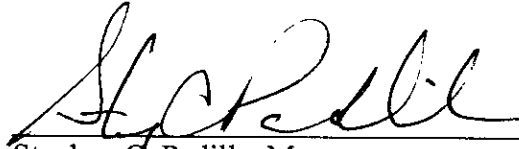

Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of December, 2005, by the following vote:

AYES: Councilmembers: Castaneda, McCann, Rindone, and Padilla

NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Stephen C. Padilla, Mayor

ATTEST:



Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2005-424 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 13th day of December 2005.

Executed this 13th day of December 2005.



Susan Bigelow, MMC, City Clerk